CONDOLENCE REFERENCE.

Demise of Sri C. Narasimhiah.

MR. SPEAKER.—I regret to have to inform the House that I have received intimation of the demise of Sri C. Narasimhiah, B.A., B.L. He was for a number of years a Member of the Mysore Legislature. He was for sometime the President of the Mysore Bar Association and a member of the District Board and the Mysore City Municipal Council. He was a leading figure in public affairs of the State. I desire on behalf of the House to express our sense of the loss sustained by his demise and to express on behalf of you all our sympathy with the relatives of the deceased.

Business of the House.

SRI K. HANUMANTHAIYA (Leader of the House).—Sir, yesterday the Leader of the Opposition wanted to know what the business of the House would be for the remaining days. Sir, I find that with your consent the List has already been prepared and Government is in agreement with that List. So far as the duration of the sittings is concerned, we have programmed to sit till 23rd and that may stand.

MYSORE HOUSING BOARD BILL, 1954.

Motion to consider.

SRI A. G. RAMACHANDRA RAO (Minister for Law and Education).—Sir, I beg to move:

> "That the Mysore Housing Board Bill, 1954, as reported by the Joint Select Committee, be taken into consideration."

Sir, since the advent of freedom, our country has been witnessing the process of converting a Police State into a Welfare State. Large features have been outlined in our Constitution and during these five years, since the Constitution was accepted in 1950, measures for the protection of the country, measures for supplying the physical needs of the country and also measures for improving the standard of life of the people have been put before the public. In particular, we have been witnessing how measures for adequate food, decent clothing, proper shelter are being put forward in the Legislature. In Mysore, Sir, regarding the provision of adequate number of houses of a proper nature, Government passed in 1949 a Labour Housing Corporation Act. In 1952, Government took up the question of implementing that Act. Since 1952, the Housing Corporation has spent in 1953-54—Rs. 11,60,000; in 1954-55, up-to-date, for this short period, Rs. 19,69,000. While working we found, Sir, that the Labour Housing Corporation Act had very circumscribed scope. It applied only to industrial labour, thus leaving out of account a large number of non-industrial labour living in rural parts. Further, it did not take into consideration other employees like Government servants or people engaged in commerce, etc. In order to widen the scope and to make full use of the facilities, this Bill had been brought up before the House. It elicited keen discussion in both the Houses of the Legislature and in order to bring forward a measure which would be acceptable to all the members, it was referred to a Joint Select Committee consisting of 18 members, probably the biggest Select Committee that has ever been proposed before by this Legislature. It sat eight times, probably the largest number of sittings that any Committee had. All the views and criticisms that were expressed in the Legislature were taken into consideration and necessary amendments have been proposed as could be seen from the Bill that is placed in the hands of the Hon'ble Members. Sir, I shall only refer to important features which mark this Bill.

Sir, there were several suggestions regarding the enlargement of the Board, but it was finally felt that that would be a matter to be considered by Government and that Government should keep

(SRI A. G. RAMACHANDRA RAO.) in view a proper representation of rural and labour interest. Therefore, the constitution of the Board as proposed in the original Bill was accepted. The next point that was considered at length was the recruitment of the staff for the Board—whether this Statutory Body should do it or whether it should come under the Public Service Commission. Except one, all the other members were unanimous in their opinion that the staff who were paid above Rs. 60 should come under the Public Service Commission.

Further, Sir, there was again discussion regarding the charges to be levied in the areas where the housing schemes are to be inaugurated and in the neighbouring areas also. It was felt that it was premature and therefore, those provisions were dropped.

Further, Sir, in all enquiries to be made under this Bill, it was the consensus of opinion that the Code of Civil Procedure be adopted; a right of appeal has also been granted.

Regarding eviction from the house, it was felt that notice was necessary before eviction and that was accepted.

The Committee has taken particular care that large amounts passing through the Board's hands should have proper scrutiny and therefore, have expressed a view that Government should appoint Chartered Accountants for the purpose so that the large amounts that come under their control may be properly audited.

Further, regarding the rules to be made, it was felt that they must be made subject to the passing of the Legislature. Of course, rules would be framed and work would commence, but the Houses of Legislature are competent to modify the rules which would be placed before the House.

Thus, it would be seen, Sir, that every point of the view as to the functioning of the Board, the composition of the Board and the working of the Board, has been very comprehensively dealt with by the Joint Select Committee. On this occasion I wish to thank the members of the Committee for the keen interest and the constructive suggestions they made and the deep devotion each of the members brought on this subject. I must thank them for the good work that they have done and the co-operation they have given. The adoption of this Bill widens the scope of the work. As I have said, during this short period of five months, nearly 19 lakhs of rupees have been spent. Those houses are mainly in the urban area. The Government are too keen to see that the benefit of this measure is extended to rural parts very early; that would be kept in view.

Therefore, Sir, I commend this report for the adoption of the House and I believe that the unanimous report given by the Joint Select Committee will be readily adopted by this House.

MR. SPEAKER.—Motion moved:

"That the Mysore Housing Board Bill, 1954, as reported by the Joint Select Committee, be taken into consideration."

SRI V. M. MASCARENHAS (St. John's Hill).—Sir, when this Bill came up for discussion before this House at the last session, I raised a pertinent point, namely, the so-called contribution of four per cent leviable on industries was rather high and asked the Government not to introduce such a measure at present in view of the fact that the Government of India had come forward to make their own contribution. I had suggested that this matter may be dropped. I do not know definitely whether the Select Committee has taken cognisance of this attitude. I would like to request the Hon'ble Minister for Law, who was the Chairman of the Committee, to clarify the point.

Secondly, I just heard the Hon'ble Minister saying that the majority of the members of the Committee found it necessary that these petty jobs in the Board should go to the Public Service Commission. I for one, Sir, would like to differ. We heard the comments yesterday about the Public Service Commission and its working. The Public Service Commission, unfortunately, either works a little too slow or is loaded with too much of work; I do not know which of the two is correct. But, anyway, the result is the same.

Appointments are made by the Commission after a very very long period. If this is the result, I am afraid, the Board which has got so much of work and so much of power in its hands, will be handicapped to a great extent. I feel that that part of the clause may be amended so that the work of the Board may be expedited.

*Sri A. G. RAMACHANDRA RAO.— Regarding the four per cent levy, Sir, in the old Act which we are now seeking to change through this new Bill, there is a provision. As I submitted even on the last occasion, that provision has been kept in abeyance. I have just received a letter from the Government of India expressing some point of view. Government will consider the position and if need be, we will think of an amendment later and take up proper measure in this behalf.

Regarding Public Service Commission being entrusted with the work of recruitment of the staff to the Board, almost the unanimous opinion of the members of the Joint Select Committee was, to make a trial by reference to Public Service Commission. If the defects envisaged by the Hon'ble Member who has just now spoken were to be so glaring, Government would bring suitable amendments in this matter.

Mr. SPEAKER.—The question is ;

"That the Mysore Housing Board Bill, 1954, as reported by the Joint Select Committee be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—Clauses. Clauses 2 to 12. The question is :

"That Clauses 2 to 12 stand part of the Bill."

The motion was adopted.

Clauses 2 to 12 were added to the Bill.

Mr. SPEAKER.—Clause 13.

*Sri P. R. RAMAIYA (Basavangudi).— I move the following amendment to clause 13 :

"That sub-clauses 3 and 4 be deleted, renumbering sub-clauses (5) and (6) as sub-clauses (3) and (4)."

Sub-clause (3) reads as under:—

"Subject to the provisions of sub-section (4), Mysore Public Service Commission shall exercise the same functions as respects the services of the Board as the said Commission exercises under article 320 of the Constitution as respects the services of the State."

Sub-clause (4) is as follows:—

"Every appointment to posts carrying a maximum monthly salary exceeding rupees sixty shall be made in consultation with the Mysore Public Service Commission:

"Provided that this sub-section shall not apply to an officiating or temporary appointment for an aggregate period not exceeding one year :

"Provided also that no appointment shall be mabe contrary to the advice of the Commission except with the approval of the State Government."

These sub-clauses are to be deleted according to my amendment. My point in moving this amendment is this. The Board is an autonomous body, a statutory body having independent powers. It is set up for a special purpose of building houses in the State. It is governed by its own rules. It is not of a permanent character. The two Houses of Legislature may by a resolution terminate the existence of this Housing Board. Therefore, when this Board is constituted for a special purpose of building houses, it is unnecessary to restrict the scope of appointment to this Board by bringing in a provision of referring appointments to the Public Service Commission or making appointments on the recommendations of the Public Service Commission. The Public Service Commission will certainly appoint people and consider their applications in regard to applications made to Government. But this Board is not a department of the Government. It is a sort of autonomous body and I do not

(SRI P. R. RAMAIYA.)

think that it is necessary to restrict the scope of appointment to this Board. After all this Board is of a special nature. The work that is to be done is in connection with building houses and people with necessary qualification are needed for this Board. But the qualifications that are needed for the appointment of people by the Public Service Commission are of different character. Therefore I do not think it is necessary to incorporate sub-clauses 3 and 4 as mentioned by me and I suggest that these two sub-clauses may be omitted and the next sub-clauses (5) and (6) be renumbered sub-clauses (3) and (4).

Supposing appointments are made on the recommendation of the Public Service Commission to this Board. What is to happen to those employees when the Board is terminated by a resolution of both the Houses of Legislature? Then the employees will be in the air and therefore I think the appointments should be on contract basis. It may be for three or four years or seven years and so it is not necessary to incorporate these sub-clauses which restrict the working of this Board. I recommend my amendment for the consideration of this House.

MR. SPEAKER.—Amendment moved:

"That sub-clauses (3) and (4) be deleted, re-numbering sub-clauses (5) and (6) as sub-clauses (3) and (4)."

ಶ್ರೀ ಕೆ. ಲಕ್ಕಪ್ಪ (ಚನ್ನರಾಯಪಟ್ಟಣ).—ನಾನು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ವಿರೋಧಿಸುತ್ತೇನೆ. ಈ ಹೌಸಿಂಗ್ ಬೋರ್ಡು ಒಂದು statutory body, ಇದನ್ನು ಯಾವಾಗ ಬೇಕಾದರೂ ಅಸೆಂಬ್ಲಿಯಲ್ಲಿ terminate ಮಾಡಬಹುದು, ಆದಕಾರಣ ಇದಕ್ಕೆ ನೇಮಕ ಮಾಡತಕ್ಕ ಅಧಿಕಾರವನ್ನು ಪೂರ್ಣವಾಗಿ ಬೋರ್ಡಿಗೇ ಬಿಡಬೇಕೆಂದು ಹೇಳುವುದನ್ನು ಒಪ್ಪುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಈಗ appointments ಸೇರುವವರಿಗೇನೂ ಬರವಿಲ್ಲ. ಎಲ್ಲಿ ನೋಡಿದರೂ ಕೆಲಸಕ್ಕೆ ಕಾದು ಕೆಲಸಕ್ಕೆ ಬರತಕ್ಕ ಜನರ ನಂಬ್ಯೆ ಕಡಿಮೆಯೇನಿಲ್ಲ. Appointments ವಿಚಾರವನ್ನು ನೋಡಿಕೊಳ್ಳುವುದಕ್ಕಾಗಿಯೇ ನರ್ಕಾರದವರು ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮಿಷನ್ ಒಂದನ್ನು ರಚಿಸಿದ್ದಾರೆ. ಆ ಮೂಲಕವೇ appointments ಗಳಾದರೆ ನ್ಯಾಯವಾಗಿರುತ್ತದೆ. ಹಾಗಿಲ್ಲದೆ ಈ ಅಧಿಕಾರವನ್ನು statutory bodyಗೆ ವಹಿಸುವುದೆಂದರೆ ಅದು ಸಾಧುವಾದ ಮಾರ್ಗವಲ್ಲ. ಆದುದರಿಂದ ಈ ಭಗ್ಗೆ ಬರತಕ್ಕ ಅರ್ಜಿಗಳನ್ನೆಲ್ಲಾ ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮಿಷನ್ ಆಫೀಸಿನಲ್ಲಿ consolidate ಮಾಡಿ ಆ ಮೂಲಕ ಬರುವ ನಲಹೆಯ ಪ್ರಕಾರ appointments ಗಳನ್ನು ಮಾಡುವುದು ಸೂಕ್ತವಾದುದು. ಆದಕಾರಣ original ನಲ್ಲಿ ಏನಿದೆಯೋ ಆ ರೀತಿ ಮಾಡುವುದೇ ಸೂಕ್ತವಾದುದೆಂದು ತಿಳಿಸಿ ನಾನು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ವಿರೋಧಿಸುತ್ತೇನೆ.

SRI A. G. RAMACHANDRA RAO.—Sir, this question was discussed at great length by the Joint Select Committee. They said that recruitment to services should be on a uniform policy. Further, also in view of the proviso making provision for appointing persons up to one year on temporary basis, it was felt that no difficulty would be felt and that if such a difficulty were to be felt later on, it might be dealt with then. Therefore I oppose the amendment.

SRI P. R. RAMAIYA.—I have brought the matter to the notice of the Government. I have no intention, however, to press my amendment to a division.

The amendment was, by leave, withdrawn.

MR. SPEAKER.—Clauses 13 to 72. The question is:

"That Clauses 13 to 72 stand part of the Bill."

The motion was adopted.

Clauses 13 to 72 were added to the Bill.

MR. SPEAKER.—First and Second Schedules. The question is:

"That the First and the Second Schedules stand part of the Bill."

The motion was adopted.

The First and the Second Schedules were added to the Bill.

MR. SPEAKER.—Clause 1, Title and Preamble. The question is:

"That Clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri A. G. RAMACHANDRA RAO.—Sir, I beg to move :

"That the Mysore Housing Board Bill, 1954, as reported by the Joint Select Committee, be passed."

Mr. SPEAKER.—The question is:

"That the Mysore Housing Board Bill, 1954, as reported by the Joint Select Committee, be passed."

The motion was adopted.

CATTLE TRESPASS (AMENDMENT) BILL, 1954.

Motion to consider.

Dr. R. NAGAN GOWDA (Minister for Agriculture).—Sir, I beg to move :

"That the Mysore Cattle Trespass (Amendment) Bill, 1954, as passed by the Legislative Council, be taken into consideration."

In doing so I wish to say just a few words. The original Bill . . .

Sri K. PATTABHIRAMAN (Kolar).—On a point of clarification, Sir. In the Statement of Objects and Reasons which you have appended to this Bill and circulated to us, it is said at the top that it refers to the Bill as introduced in the Legislative Council. But the Bill itself is as passed by the Legislative Council. So the Bill does not conform itself to what the Statement of Objects and Reasons refers to. It requires to be recast.

Sri T. MARIAPPA (Mysore City—North).—But there is a note at the end of the Statement that Clauses 5, 6, 7, 8 and 10 and part of Clause 12 have been deleted and the clauses renumbered.

Dr. R. NAGAN GOWDA.—I was going to make a reference to the original Bill as was introduced in the Legislative Council. There were two objects in view as stated . . .

Sri Mulka GOVINDA REDDY (Chitaldrug).—Please recast it and then place it before the House.

*Sri A. BHEEMAPPA NAIK (Molakalmuru).—Whatever explanation he may give, he may give it later. According to the Bill, the Statement of Objects and Reasons cannot remain as is envisaged here. So this Bill is neither helpful nor is it of any use at all. The Cattle Trespass Act, as it stood originally, is standing so today. Therefore let him not take the trouble of moving this Bill. Let him drop it and then along with other Bills relating to Extension of Laws to Bellary, let him bring. There is no purpose to be served now, though the Statement of Objects and Reasons says that this Bill is to save agricultural crops from being damaged by cattle.

Mr. SPEAKER.—May I bring to the notice of the Hon'ble Member that he can speak on the Bill after the motion is moved ?

Sri A. BHEEMAPPA NAIK.—But it is fundamentally wrong to take this Bill into consideration.

Sri Mulka GOVINDA REDDY.—Sri K. Pattabhiraman took objection to the way in which the Bill is drafted. What is the opinion of the Chair regarding that ?

1-30 P.M.

*Sri T. MARIAPPA.—May I add a few words ? Sir, in the original Statement of Objects and Reasons the main idea of the Government in introducing this Bill—not the Bill which is introduced in this House, but the Bill which was introduced in the Legislative Council,—was to make the law more stringent and to prevent cattle trespass. Under the Cattle Trespass Act, 1871 the cultivator or occupier of any land may seize cattle trespassing on his land and causing damage to any crop or produce and send them to a cattle pound. The cattle so impounded will be delivered to the owner only if he pays the fine prescribed under the Act and the question of deposit is made a condition precedent. That was the idea. The Bill as it is sought to be introduced now as it finally emerged from the other House merely has the effect of leaving original Act as it is except for extending the period for claiming the surplus sale proceeds mentioned in clause 9, to six months, and extending the operation of the Act to Bellary under clause 2. There is